
Appeal Decision

Site visit made on 30 January 2017

by **S D Harley BSc(Hons) MPhil MRTPI ARICS**

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 9th February 2017

Appeal Ref: APP/K0235/D/16/3162872

16 Woodpecker Gardens, Wixams, Bedford, Beds MK42 6BQ

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission under section 73 of the Town and Country Planning Act 1990 for the development of land without complying with conditions subject to which a previous planning permission was granted.
 - The appeal is made by Mr A Middleton against the decision of Bedford Borough Council.
 - The application Ref 16/01835/S73, dated 20 June 2016, was refused by notice dated 9 September 2016.
 - The application sought planning permission for single storey rear extension and partial integral garage conversion without complying with a condition attached to planning permission Ref 16/01006/FUL, dated 27 May 2016.
 - The condition in dispute is No 1 which states that: Notwithstanding the details submitted the conversion of part of the garage to alternative accommodation is not hereby permitted and this element of the scheme is excluded.
 - The reason given for the condition is: The proposed conversion of the garage to alternative accommodation would result in the vehicle parking provision for the site falling below the requirements in Bedford Borough Council's Parking Standards and is likely to result in additional on-street parking, which would be detrimental to road safety and the flow of traffic and contrary to saved policy BE30 iv) and vi) of the Bedford Borough Local Plan 2002.
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Decision

1. The appeal is allowed and the planning permission Ref 16/01006/FUL for single storey rear extension and partial integral garage conversion at 16 Woodpecker Gardens, Wixams, Bedford MK42 6BQ granted on 27 May 2016 by Bedford Borough Council is varied by deleting condition No 1.

Background and Main Issue

2. The appeal site is a house in a new residential development. The original planning permission Ref 08/01785/MAR for this part of the estate prevented the conversion of garages without express planning permission¹. Subsequently planning permission was granted for a rear extension but the conversion of the garage was excluded by condition as set out above. The main issue for this appeal is the effect the removal of the condition would have on the availability of parking, the free flow of traffic and highway safety in the area.

Reasons

3. Woodpecker Gardens is a cul de sac on a new residential estate. No 16 is located to the far end of the cul de sac; is the end of a row of three terraced

¹ Paragraph 1.3 Officer Report application Ref 16/01006/FUL

town houses and has three bedrooms. The Supplementary Design Guidance "Residential extensions, New Dwellings and Small Infill development" 2000 seeks two parking spaces for a three bedroomed house. The appeal property has a garage and a parking space in front of the garage door.

4. The garage is integral to the house and has an internal area of approximately 13.67 sq m; is some 5.14m long by 2.66m wide; and the garage door is about 2.2m wide². These sizes are substantially below those which would now be sought under the Parking Standards for Sustainable Communities Supplementary Planning Document 2014 (the SPD). From photographs submitted by the appellant and from my observations during my site visit I consider that, due to the dimensions of the garage and the width of the garage door, it would be very difficult to satisfactorily park and get in/out of many modern domestic vehicles inside the garage. However, I acknowledge that a small vehicle could be parked within it.
5. The area in front of the house and garage has a block paved surface. There is change in level between the main house door and the garage door, has a concrete/pebble surface, but this is a very small level difference which would not prevent the parking of a second vehicle in front of the house door without obstructing vehicular or pedestrian access to the adjacent houses. Moreover, there is a path to the side of No 16 which would facilitate disability access to the front door and provides level access to the rear of the appeal property.
6. Woodpecker Gardens is not a through route. The appeal site and four other properties share the block paved private drive off the end of the cul de sac and there is therefore relatively little passing traffic. Two vehicles could be parked in front of No 16 without hindrance to the neighbours. Moreover, I observed available on street parking spaces along the cul de sac where parking could take place without undue risk to the safety or convenience of other users of the highway network. I am also mindful that on the nearby Peacock Gardens the Officer Report concluded that a garage that had a smaller internal floor area of 15 sq m would not count as a parking space for the purposes of the SPD planning application Ref 15/02212/FUL.
7. For the reasons set out above I conclude that in this instance due to the particular characteristics of the appeal site and the immediate surroundings, the removal of the condition would have very little effect on the availability of parking, the free flow of traffic or highway safety in the area. Therefore the loss of the garage as a parking space would not conflict with those parts of Saved Policy BE30 of the Bedford Borough Local Plan 2002 which seek satisfactory parking provision and suitable access for all.

Conclusion

8. For the reasons set out above and taking into account all relevant matters raised I conclude that the appeal should succeed.

SDHarley

INSPECTOR

² Section 3 Grounds of Appeal Statement